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September 27, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Viasat, Inc., *Ex Parte* Response to Hughes Network Systems, LLC, IBFS File No. SAT-PDR-20161115-00120; *Streamlined Licensing Procedures for Small Satellites*, IB Docket No. 18-86

Dear Ms. Dortch:

Viasat, Inc. (“Viasat”) responds to the notice of *ex parte* presentation filed by Hughes Network Systems, LLC (“Hughes”) on September 21, 2018 regarding the Ka band satellite-to-satellite links in Viasat’s above-captioned petition for declaratory ruling for the VIASAT-NGSO system.¹ Hughes requests that the Commission dismiss Viasat’s request for that authority.

In essence, what Viasat is proposing technically is no different than, and is just as compatible with adjacent GSO spacecraft as, a VSAT earth station on an airplane²—an established use of the Ka band that has been long authorized,³ and which is the subject of the

¹ See Hughes Network Systems, LLC, Notice of *Ex Parte* Presentation, File No. SAT-PDR-20161115-00120, IB Docket No. 18-86 (filed Sept. 21, 2018) (“Hughes September 21st *Ex Parte*”).

² See, e.g., Viasat August 13th Response at 5-6 & Exhibit A; Consolidated Opposition and Reply Comments of Viasat, Inc., File No. SAT-PDR-20161115-00120, at 7, A-1 (filed July 7, 2017); Viasat, Inc., Petition for Declaratory Ruling, File No. SAT-PDR-20161115-00120, Attachment A at 22-27 (filed Nov. 15, 2016).

³ See, e.g., Viasat, Inc., File No. SES-LIC-20120427-00404, Call Sign E120075 (granted July 17, 2013) (authorizing aeronautical earth stations in the Ka band); ISAT US Inc., File No. SES-LIC-20141030-00832, Call Sign E140114 (granted Aug. 11, 2015) (authorizing aeronautical earth stations in the Ka band).

ESIM order adopted yesterday.⁴ Viasat has logged billions of miles of Ka band VSAT (ESIM) operations on airplanes without incident. Thus, there is no reason for a different regulatory result here, simply because the VSAT (ESIM) communicating with a GSO spacecraft is located on an NGSO satellite.

In this most recent *ex parte*, Hughes continues its refusal to address the substance of Viasat's responses on each of these issues.⁵ Specifically, Hughes continues to ignore the fact that satellite-to-satellite links are explicitly included in the definition of "FSS," both domestically and internationally.⁶ Instead, Hughes resorts to mischaracterizing what Viasat has proposed as "Inter-Satellite Links," and then argues there is no international allocation for Inter-Satellite Service ("ISS") in the Ka band. As Viasat has previously explained, the Commission has made clear that inter-satellite links can be provided within the FSS instead of the ISS depending on the frequency band chosen, because the availability of the inter-satellite service of inter-satellite links "does not preclude the use of other frequencies for such purposes as provided for in several service definitions, e.g., FSS."⁷ Based on its same faulty reasoning, Hughes alternatively asks that Viasat's request be deferred until Inter-Satellite Links are studied at the ITU, and specific rules are adopted domestically and internationally at some distant time in the future,⁸ when there is no good reason why the Commission would not follow its established practices to facilitate innovation and new services.⁹

Despite the extensive and unrebutted technical analysis Viasat has submitted,¹⁰ Hughes continues its pattern of attempting to prevent others from making new and innovative uses of FSS spectrum.¹¹

⁴ See *Amendment of Parts 2 and 25 of the Commission's Rules to Facilitate the Use of Earth Stations in Motion Communicating with Geostationary Orbit Space Stations in Frequency Bands Allocated to the Fixed Satellite Services*, IB Docket No. 17-95, Report and Order and Further Notice of Proposed Rulemaking, FCC 18-138 (rel. Sept. 27, 2018).

⁵ See Hughes September 21st *Ex Parte*, Attachment at 2-3.

⁶ See Viasat, Inc., *Ex Parte* Response to Submissions in IBFS File No. SAT-PDR-20161115-00120 at 4-5 (filed Aug. 13, 2018) ("Viasat August 13th Response").

⁷ 47 C.F.R. § 25.279(a).

⁸ See Hughes September 21st *Ex Parte*, Attachment at 3.

⁹ See Viasat August 13th Response at 7.

¹⁰ See, e.g., Viasat August 13th Response at 5-6 & Exhibit A; Consolidated Opposition and Reply Comments of Viasat, Inc., File No. SAT-PDR-20161115-00120, at 7, A-1 (filed July 7, 2017); Viasat, Inc., Petition for Declaratory Ruling, File No. SAT-PDR-20161115-00120, Attachment A at 22-27 (filed Nov. 15, 2016).

¹¹ See, e.g., Comments of EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC, *Streamlining Licensing Procedures for Small Satellites*, IB Docket No. 18-86, at 6-7 (filed July 9, 2018).

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Viasat respectfully requests that the Commission promptly grant authority for Viasat's satellite-to-satellite links, and to reject Hughes's request to deny or defer consideration of this aspect of Viasat's petition.

Respectfully submitted,

/s/

John P. Janka
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cc: Jose Albuquerque
Karl Kensinger
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